

**HOFLAND & TOMSHECK**

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Attorney for Defendant

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PHILLIP ALLERSON VAUGHN

Defendant

Case No.: 2:15-cr-00078-JAD-NJK

STIPULATION AND ORDER TO  
CONTINUE SENTENCING DATE,  
(SIXTH REQUEST)

IT IS HEREBY STIPULATED, by and between the UNITED STATES OF AMERICA, by and through Daniel G. Bogden, United States Attorney, Dan Cowhig, Assistant United States Attorney, and Kathryn C. Newman, Assistant United States Attorney, and defendant, PHILLIP ALLERSON VAUGHN, by and through his attorney, Joshua Tomsheck, Esq., of the law firm of Hofland & Tomsheck, that the sentencing date in the above-captioned matter now scheduled for January 23, 2017 vacated and continued to a date and time convenient to the Court, no sooner than sixty (60) days beyond the current setting, in order for the Parties to have sufficient time to prepare for sentencing in this matter.

This is the SIXTH request by the undersigned defense counsel for a continuance of the scheduled sentencing date, is made in good faith and not for the purpose of delay and comports with the good cause requirements of Fed. R. Crim.

P. 32(b)(2).

1. Counsel for the Defendant is appointed CJA counsel.
2. Counsel for Defendant Armstrong is set for a firm jury trial on January 17, 2017 in the Eighth Judicial District Court, Clark County, Department 17, in Case C-269692-2, State of Nevada v. Brandy Stutzman, which is a capital murder case where the Defendant has been in custody for six (6) years and is facing the death penalty. This trial is expected to last two to three weeks.
3. Counsel for the Defendant is concerned that legal issues arising out of the decision in USA v Johnson might prejudice the Defendant if the case proceeds to sentencing in its current posture.
4. Counsel for the Defendant is researching these matters and has engaged the Government Counsel regarding a potential resolution to protect the interests of the Defendant.
5. Denial of this request for continuance would deny the parties herein time and the opportunity to effectively and thoroughly prepare for the sentencing hearing, taking into account the exercise of due diligence.
6. Additionally, denial of this request for continuance could result in a miscarriage of justice.
7. For all of the above-stated reasons, the ends of justice would best be served by a continuance of the sentencing date.

**DANIEL G. BOGDEN**  
United States Attorney

**HOFLAND & TOMSHECK**

/S/ D. Cowhig  
**DAN COWHIG**  
Assistant United States Attorney

/S/ J. Tomsheck  
**JOSHUA TOMSHECK, ESQ**  
Counsel for Defendant

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v

PHILLIP ALLERSON VAUGHN

Defendant

Case No.: 2:15-cr-00078-JAD-NJK

FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER

Based upon the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

The parties have stipulated to continue the sentencing hearing date as presently scheduled.

This Court, being convinced that adequate showing has been made that were this request for continuance to be denied, counsel would not have the necessary time to effectively prepare for the sentencing hearing, taking into account the exercise of due diligence, and a miscarriage of justice could result, based on the following:

1. Counsel for the Defendant is appointed CJA counsel.
2. Counsel for Defendant Armstrong is set for a firm jury trial on January 17, 2017 in the Eighth Judicial District Court, Clark County, Department 17, in Case C-269692-2, State of Nevada v. Brandy Stutzman, which is a capital murder case where the Defendant has been in custody for six (6) years and is facing the death penalty. This trial is expected to last two to three weeks.
3. Counsel for the Defendant will represent another client in a capital

1 murder case in Eighth Judicial District Court that has been docketed to begin on the  
2 same date as the present hearing.

3 3. Counsel for the Defendant is concerned that legal issues arising out of  
4 the decision in USA v Johnson might prejudice the Defendant if the case proceeds to  
5 sentencing in its current posture.

6 4. Counsel for the Defendant is researching these matters and has engaged  
7 the Government Counsel regarding a potential resolution to protect the interests of  
8 the Defendant.

9 5. Denial of this request for continuance would deny the parties herein  
10 time and the opportunity to effectively and thoroughly prepare for the sentencing  
11 hearing, taking into account the exercise of due diligence.

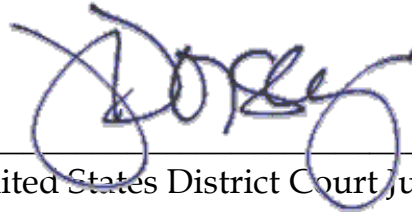
12 6. Additionally, denial of this request for continuance could result in a  
13 miscarriage of justice.

14 7. For all of the above-stated reasons, the ends of justice would best be  
15 served by a continuance of the sentencing date.  
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**ORDER**

IT IS HEREBY **ORDERED**, that the sentencing hearing currently scheduled for January 23, 2017 be vacated and continued to March 27, 2017 at the hour of 9:00 a.m.

DATED this 17th day of January, 2017.

A handwritten signature in blue ink, appearing to read "D. J. Jones", is written over a horizontal line.

United States District Court Judge